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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,258	08/01/2001	James Allen Clark	2705-186	7013

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/921,258	Applicant(s) CLARK, JAMES ALLEN	
	Examiner KIEU-OANH T. BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 26-30 are unintentionally not included in Group II in the previous office action. The examiner now confirms that they should have been in Group II, directed to a video server. Applicants should cancel these claims in response to this remark.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 and 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (U.S. Patent Pub No. 2002/0100041 A1) in view of Klein (US Patent 6,637,030 B1).

Regarding claim 1, Rosenberg discloses a network termination unit (Fig. 1a, with a replay unit 104), comprising: a port to connect the unit to the network (Fig. 2 at 112 for a port connecting to the network or broadcaster 110); a detector operable to receive command signals from a user, wherein the command signals include a pause signal (Fig. 1a, the user has a remote control for providing user input command signals to pause a displaying program or content (Fig.

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1a, item 130, and pages 2-3, par. 0033 to 0036); a controller operable to control access to content (a processor does this function, refer to col. 2/par. 0033); a timer operable to time a pause interval initiated reception of pause signal (Fig. 10, and page 8/par. 0119 for a timer for the pause intervals); and a source of alternate content, operable to provide the controller with alternative content when the pause interval reaches a predetermined length of time, such that any alternative content located external to the unit resides on the cable network (the amount of time before an ad or other content to be displayed can be user defined as the user hits the pause for pausing the currently viewing program/content, refer to page 8, par. 0116-0117; and server 102 contains contents external to the termination unit).

Rosenberg does not disclose “the cable network is a sole source of content external to the unit”; however, this technique is well-known for a headend is the only sole source for content to the receiving unit/device. In fact, Klein clearly shows within a cable television and computer network (as in Fig. 1), only one source from cable headend 10 provides content to a plurality of termination unit (at home, television receivers 20, and col. 3/lines 28-20), and the user at home has only one port of device 40 for connecting to the cable network via service drop 16 (Fig. 3 and col. 5/lines 2-12. Therefore, it would have been obvious to one of ordinary skill in the art to modify Rosenberg’s system with Klein’s teaching feature of only one (external) port for network connection as if the cable headend is the only source for content to the receiving units.

As for claim 2, Rosenberg discloses the network termination unit further comprises a set top box (page 2/par. 0031).

Regarding claim 3, in view of claim 1 above, Klein further teaches “a cable modem” or circuitry function as cable modem can be integrated the network terminal unit or notch filter 40 (col. 8/lines 22-32).

As for claims 4-6, Rosenber discloses wherein the controller is a processor, a microcontroller, or a central processing unit (page 2/par. 0033, a processor is same as microcontroller or a CPU).

As for claim 7, Rosenberg further discloses wherein the source of alternative content is located in a memory located in the network termination unit (page 2/par. 0033 & page 3/0043 for a storage such as a hard drive for storing alternative content such as programs, ads and programming guides).

As for claim 8, Rosenberg further discloses wherein the source of alternative content is a connection to a remote server (Fig. 2/remote server 102, page 3/par. 0044).

As for claim 9, Rosenberg further discloses wherein the source of alternative content is programmable by the viewer (page 8/par. 0116 to par. 0119 and Fig. 10 for the user can set up which content to be displaying during the pause intervals).

As for claims 20-25, these claims with same limitations addressed earlier are rejected in view of Rosenberg and Klein for the reasons given in the scope of claims 1-9 as disclosed in details above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bortolini et al. (US Patent 7,013,000 B2) discloses a cable modem with one port to communicate to cable network.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
April 11, 2006